1: Fitzgerald H-5 (1937-1938) AE3 Sino-Tibetan
Border Peoples AE3

634 such public property as forests, and controls the civil police force. The administration of justice is divided between the Magistrate, the High Court, and the Garrison 692 727 Commander. The position of the latter is anomalous since his power is derived from the application of Martial Law to the crimes of banditry and high treason. This is a temporary measure for the pacification of the country, theoretically terminable when order has been completely restored, but likely to last in practice for many years yet. The reason is not so much that the country is disturbed, for banditry has been stamped out in western Yunnan, but that this power derived from martial law is in fact a legalisation of the usurped power of the military authorities originating in the years of turmoil which followed the revolution.

Martial Law applies to banditry, which is defined as robbery under arms, with or without murder; and high treason, which means in practice armed opposition to the government, conspiring against the government, or—up till 1937—assisting or belonging to the Chinese Communist Party. This last offence is only of academic interest in the Ta Li region, which was never affected by the Communist movement, and since the agreement between the Communist rebels and the Central Government upon the outbreak of war with Japan, it is no longer a crime to be a Communist. Criminal offences not included in the scope of Martial Law, such as murder without intent to rob, robbery without arms, seduction of an unmarried girl, forgery and embezzlement are tried by the Magistrate in his court. Sentence of death has to be confirmed by the Governor of the Province and is then carried out by the military authorities.

671 The Chinese reformed civil code is in force in Yunnan, 672 but in out of the way areas such as Ta Li, where the provisions of the new code are usually very little known either to the public or to the officials, the actual practice of the